

### **Remarks**

The Final Office Action of October 27, 2010 has been received and reviewed. In this response, no claims have been amended or added and claim 21 has been cancelled (without prejudice), leaving claims 1-6, 11-13, 16-20, and 22 pending after entry of the claim cancellation. Reconsideration and withdrawal of the rejections are respectfully requested as discussed herein.

### **Interview Summary**

On January 25, 2011, Applicants' representatives, Mark J. Gebhardt (Reg. No. 35,518) and Matthew C. Goeden (Reg. No. 63,560), discussed with the Examiner the pending claims and Osypka (U.S. Pat. App. Pub. No. 2003/0077943 A1), which was cited in the Final Office Action of October 27, 2010. During the discussion, the Examiner identified item 511b of Osypka shown in Fig. 5 as being equivalent to the first adapter as recited in the pending claims and item 511a of Osypka shown in Fig. 5 as being equivalent to the second adapter as recited in the pending claims.

Applicants thank the Examiner for taking the time to discuss these issues.

### **Claim Cancellation**

Please cancel dependent claim 21 without prejudice.

### **The 35 U.S.C. §102 Rejection**

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *See* M.P.E.P. §2131.

Claims 1-6, 11-13, and 16-20 were rejected under 35 U.S.C. §102(e) as being anticipated by Osypka (U.S. Pat. App. Pub. No. 2003/0077943 A1). This rejection is respectfully traversed.

Applicants submit that Osypka fails to describe each and every element as set forth in claims 1-6, 11-13, and 16-20 as required for an anticipation rejection.

"a first adapter"/"a second adapter"

Each of independent claims 1, 11, 13, and 16 recite, among other things, a first adapter and a second adapter. Nothing has been identified by the Final Office Action within Osypka that describes a first adapter and a second adapter (i.e., separate adapters) as recited in independent claims 1, 11, 13, and 16.

Instead, items 511b (which has been identified by the Examiner as being equivalent to the first adapter) and 511a (which has been identified by the Examiner as being equivalent to the second adapter) are clearly part of the same adapter as shown in Fig. 5 reproduced below for convenience.

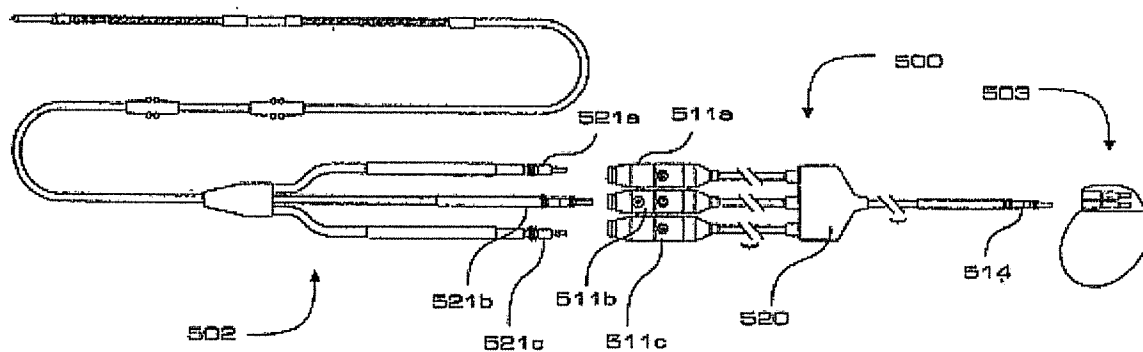


Fig. 5

Fig. 5 of Osypka.

For example, and further, independent claim 1 recites that each adapter of the set of adapters is configured to be used separately from one another to electrically connect the single lead connector to the implantable medical device, each of independent claims 11 and 13 recites that each adapter of the first adapter and the second adapter is configured to be used separately from one another to electrically connect the lead connector to the implantable medical device, and independent claim 16 recites that each adapter of the first adapter and the second adapter is configured to be used separately from one another to electrically connect the lead connector to the medical device. Nothing has been identified by the Final Office Action within Osypka that

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describes that each adapter is configured to be used separately from one another to electrically connect the lead connector to the medical device as set forth in independent claims 1, 11, 13, and 16.

Instead, items 511b & 511a of Osypka are part of the same adapter and not configured to be used separately from one another to connect the lead connector to the medical device. In fact, items 511b & 511a of Osypka are configured to be used simultaneously to connect to the two different types of lead connectors, namely a unipolar DF-1 lead connector for item 511a and a bipolar IS-1 lead connector for item 511b.

Still further, each of the first and second adapters of independent claims 1, 11, and 13 includes an external surface including one or more conductive portions (i.e., in addition to the contact elements along the internal surface) and each of the first and second adapters of independent claim 16 defines an external surface and includes an external contact (i.e., in addition to the contact elements along the internal surface). Nothing has been identified by the Final Office Action within Osypka that describes external surfaces for each of the separate first and second adapters that each include conduction portions (independent claims 1, 11, and 13)/external surfaces defined by each of the separate first and second adapters and an external contact for each of the first and second adapters (independent claim 16).

Instead, items 511b & 511a of Osypka are part of the same adapter, and as such, share a single external surface (as opposed as one external surface for each adapter) that includes the external contacts.

For at least these reasons, Osypka fails to describe the first and second adapters as set forth in independent claims 1, 11, 13, and 16 as required for an anticipation rejection over Osypka.

*"electrically isolative material"*

At the outset, it is unclear how the internal surfaces of the allegedly-equivalent adapters 511b & 511a of Osypka are configured as no internal surfaces are shown therein. Nonetheless, **for the purpose of this argument only**, Applicants assume that the external set-screw circles

shown on items 511b & 511a in Fig. 5 of Osypka represent the locations of the internal contacts thereof.

Each of independent claims 1, 11, 13, and 16 recite, among other things, that at least one electrical contact element of the one or more electrical contact elements (independent claims 1, 11, and 13)/the internal contact (independent claim 16) of the first adapter is located in a different location along the internal surface thereof than the one or more electrical contact elements of the second adapter and at least a portion of the electrically isolative material of the first adapter is located in the same location along the internal surface thereof as at least one of the one or more electrical contact elements (independent claims 1, 11, and 13)/the internal contact element (independent claim 16) of the second adapter. Nothing has been identified by the Final Office Action within Osypka that describes at least a portion of the electrically isolative material of the first adapter that is located in the same location along the internal surface thereof as the contact element of the second adapter as recited in independent claims 1, 11, 13, and 16.

For example, item 511b (which has been identified by the Examiner as being equivalent to the first adapter) of Osypka does not have at least a portion of electrically isolative material located in the same location along the internal surface thereof as the contact element of item 511a (which has been identified by the Examiner as being equivalent to the first adapter). Instead, item 511b appears to have an internal contact (as identified by the set-screw circle), as opposed to isolative material, at the exact same location along the internal surface thereof as an internal contact (as identified by the set-screw circle) of item 511a.

In other words, as set forth above, Osypka fails to describe the electrically isolative material as set forth in independent claims 1, 11, 13, and 16 as required for an anticipation rejection over Osypka.

For at least these reasons, Applicants submit that Osypka fails to describe each and every element as set forth in independent claims 1, 11, 13, and 16 as required for an anticipation rejection.

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Furthermore, because dependent claims 2-6, 12, and 17-20 are directly or ultimately dependent on independent claims 1, 11, 13, or 16, dependent claims 2-6, 12, and 17-20 are also patentable over Osypka for the same reasons as presented above for independent claims 1, 11, 13, and 16. Moreover, such claims contain recitations that further support patentability.

Reconsideration and withdrawal of these rejections are respectfully requested.

### **The 35 U.S.C. §103 Rejection**

Claims 21-22 were rejected under 35 U.S.C. §103(a) as being obvious over Osypka (U.S. Pat. App. Pub. No. 2003/0077943 A1). This rejection is traversed.

Dependent claim 21 has been cancelled herein (without prejudice) thereby rendering its respective rejection moot.

Because claim 22 is directly dependent on independent claim 16, dependent claim 22 is at least, for example, nonobvious over Osypka for the same reasons as presented herein with respect to the §102 rejection of independent claim 16. Moreover, dependent claim 22 contains recitations that further support patentability.

Reconsideration and withdrawal of this rejection are respectfully requested.

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**Summary**

It is respectfully submitted that the pending claims are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives at the telephone number listed below if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted

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27 Jan 2011

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**CERTIFICATE UNDER 37 C.F.R. §1.8:**

The undersigned hereby certifies that this paper is being transmitted via the U.S. Patent and Trademark Office electronic filing system in accordance with 37 C.F.R. §1.6(a)(4) to the Patent and Trademark Office addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 27th day of January, 2011.

By: 

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